REMARKS

These remarks are in response to the Office Action dated January 30, 2008. Claims 1-41 are pending in the application.

In the Office Action, the Examiner objected to various claims for using the terms "for use," "operative," "substantially," and "for."

Claims 1-4, 14, 16, 21, 22, and 24-31 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 4,804,957 ("Selph").

Claims 5-13, 15, 18, 23, 32-39, and 41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Selph in view of U.S. Pat. No. 6,157,721 ("Shear").

Claim 17 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Selph in view of U.S. Pat. No. 6,801,865 ("Gilgenbach").

Claim 40 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Selph in view of Shear and further in view of Gilgenbach.

Claims 19 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Selph in view of Shear and further in view of U.S. Pat. No. 5,978,475 ("Schneier").

The objections and rejections from the Office Action dated January 30, 2008 are discussed below. No new matter has been added. Reconsideration of the application is respectfully requested in light of the following remarks.

I. OBJECTIONS TO THE CLAIMS

The Examiner has objected to various claims for using the terminology "for use," "operative," "substantially," and "for." Solely to expedite allowance of the present application, the term "for use" in claim 1 has been amended to recite "used," as specified by the Examiner. Further, the term "operative" in claims 1, 4-24, 29-32, and 41 has been amended to recite "configured." The term "substantially" in claims 31-32 and 42 has been deleted. Finally, the term "for" in claim 41 has been amended to recite "configured to." In view of these amendments, applicants respectfully request that the Examiner withdraw the objections to the claims.

II. REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-4, 14, 16, 21, 22, and 24-31 are rejected under 35 U.S.C. § 102(b) as being anticipated by Selph. The Examiner asserts that Selph teaches each and every limitation of the rejected claims. Applicants respectfully disagree.

Solely for clarification, applicants have amended independent claim 1 to recite "said energy management device is configured to take at least one internal protective action when said seal tamper detection unit detects that said tamper prevention seal indicates that unauthorized access has occurred." Support for applicants' amendment may be found throughout the specification, and solely by way of example, at least in the abstract and paragraphs 85-95 and FIG 5.

Selph neither teaches nor discloses an "energy management device [] configured to take at least one *internal* protective action when said seal tamper detection unit detects that said tamper prevention seal indicates that unauthorized access has occurred," as recited by amended claim 1. To the contrary, and as the Examiner notes, "[t]he tamper detection device [of Selph] transmits a tamper alert signal which the processor can output through the communication means to the home office or monitoring substation." (see Selph at col. 3, lines 39-44; see Office Action dated January 30, 2008 at page 4). Such a signal is not an "internal protective action," and any form of protective action in Selph necessarily originates from the home office or monitoring substation, not the energy management device itself, as claimed by applicants. Selph fails to otherwise teach or disclose an energy management device that takes an "internal protective action" in response to an indication that unauthorized access has occurred.

In sum, Selph fails to teach each and every one of the elements of amended independent claim 1. Therefore, applicants respectfully submit that independent claim 1 is in condition for allowance. Because claim 1 is in condition for allowance, applicants submit that dependent claims 2-4, 14, 16, 21, 22, and 24-31 are also in condition for allowance for at least the reasons set forth above.

III. REJECTIONS UNDER 35 U.S.C. § 103

A. Claims 5-13, 15, 18, 23, 32-39, and 41

Claims 5-13, 15, 18, 23, 32-39, and 41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Selph in view Shear.

1. Claims 5-13, 15, 18, and 23

Claims 5-13, 15, 18, and 23 depend from independent claim 1. In part II of the present Response above, applicants explained why independent claim 1 is allowable over Selph. Since amended independent claim 1 is allowable, dependent claims 5-13, 15, 18, and 23 are also in condition for allowance for at least the reasons set forth above. Furthermore, solely for the purpose of clarification, applicants also submit that Selph and Shear fail to teach all the limitations required by these dependent claims.

These dependent claims are, in part, directed to the protective actions taken by applicants' energy management device. For example, and without limitation, claim 5 requires that "said processor is further configured to delete said confidential data from said memory when said seal tamper detection unit detects that said tamper prevention seal indicates that unauthorized access has occurred." Claim 6 requires that "said processor is further configured to prevent access to said confidential data when said seal tamper detection unit detects that said tamper prevention seal indicates that unauthorized access has occurred." Claim 12 requires that "said processor is further configured to prevent said transmitting of said energy management data through said network interface when said seal tamper detection unit detects that said tamper prevention seal indicates that unauthorized access has occurred." Claim 15, on the other hand, requires that "said processor is further configured to prevent changes to said at least one device setting when said seal tamper detection unit detects that said tamper prevention seal indicates that unauthorized access has occurred." These examples are only a few of the protective actions applicants' energy management device is capable of taking.

The Examiner concedes the above limitations are not disclosed by Selph. With regard to claims 5, 6, 12, and 15, the Examiner states that Shear discloses: "[p]rotected processing environment 108 discards and does not use any load module 54 that does not bear this seal 106. In this way, protected processing environment 108 securely protects itself, against unauthorized load modules 54 such as, for example, the defective load module 54d made by disreputable load module provider 64 [column 9 lines 64-66]." (see Office Action dated January 30, 2008, at pages 13-14 and 19-22).

In contrast to applicants' claimed invention, Shear teaches that a verifying authority 100, *i.e., an external third party*, is used to protect the integrity of data or load modules in a secure

computation environment. Shear states that "[t]he present invention provides improved techniques for protecting secure computation and/or execution spaces ... from unauthorized ... load modules or other 'executables' or associated data." (see Shear at col. 4, lines 51-56). Load modules 54 are produced by authorized provider 52 and distributed for use by different users. Authorized provider 52 submits load modules 54 to verifying authority 100. Verifying authority 100 analyzes and tests the load modules 54. If a load module 54 passes the test, verifying authority 100 may affix a digital seal of approval to the load module. Protected processing environments 108 can use digital seal of approval 106 to distinguish between authorized and unauthorized load modules 54. (see, e.g., Shear at col. 8, lines 17-19; col. 9, lines 3-10, 43-55).

Accordingly, Shear does not teach or suggest any of the internal protective actions taken by applicants' energy management device and claimed in dependent claims 5-13, 15, 18, 23. For example, Shear relies on a third party's authorization to gain access. Moreover, Shear's protected processing environment merely "discards and does not use any load module 54 that does not bear this seal 106." Such a protected processing environment may grant or deny access, but the device is not configured to take any internal protective action, particularly in the manners noted in dependent claims 5-13, 15, 18, 23 of applicants' claims.

For at least these reasons, applicants respectfully submit that dependent claims 5-13, 15, 18, and 23 are in condition for allowance.

2. Claims 32-39

As amended, independent method claim 32 requires, *inter alia*, "a) generating said data based on said at least one power parameter, said data being characterized by an integrity, and further storing said data, transmitting said data, or combinations thereof; b) detecting when said tamper prevention seal indicates that unauthorized access has occurred; and c) protecting said integrity of said data by said energy management device in response to said detecting, said energy management device acting to internally protect said data as generated, stored or transmitted thereby."

Like independent claim 1 above, neither Selph nor Shear disclose "protecting said integrity of said data by said energy management device in response to said detecting, said energy management device acting to internally protect said data as generated, stored, or transmitted thereby." Claims 33-39 depend from independent claim 32 and are allowable for at

least the reasons that independent claim 32 is allowable. Therefore, applicants respectfully submit that claims 32-39 are in condition for allowance for at least the reasons set forth above.

3. Claim 41

Similarly, amended independent claim 41 requires, *inter alia*, "means for generating said data based on said at least one power parameter, said data characterized by an integrity; means for detecting when said tamper prevention seal indicates that unauthorized access has occurred; and means for taking action to protect said integrity of said data by said energy management device in response to said means for detecting, said energy management device acting to internally protect said data as generated, stored or transmitted thereby."

As previously explained, neither Selph nor Shear teach or suggest "means for taking action to protect said integrity of said data by said energy management device in response to said means for detecting, said energy management device acting to internally protect said data as generated, stored or transmitted thereby." Therefore, applicants respectfully submit that claim 41 is in condition for allowance for at least the reasons set forth above.

B. Claim 17

Claim 17 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Selph in view of Gilgenbach. Claim 17 depends from independent claim 1. Since amended independent claim 1 is allowable for at least the reasons set forth above, dependent claim 17 is also in condition for allowance.

C. Claim 40

Claim 40 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Selph in view of Shear and further in view Gilgenbach. Claim 40 depends from independent claim 32. Since amended independent claim 32 is allowable for at least the reasons set forth above, dependent claim 40 is also in condition for allowance.

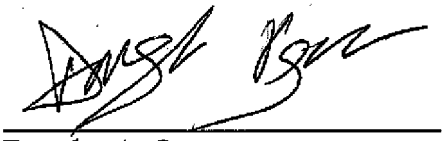
D. Claims 19 and 20

Claims 19 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Selph in view of Shear and further in view of Schneier. Claims 19 and 20 depend from independent claim 1. Since amended independent claim 1 is allowable for at least the reasons set forth above, dependent claims 19 and 20 are also in condition for allowance.

CONCLUSION

Each of the objections and rejections in the Office Action dated January 30, 2008 has been addressed and no new matter has been added. Applicants submit that all of pending claims 1-41 are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to contact the undersigned attorney if such communication would expedite the prosecution of this application.

Respectfully submitted,



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Douglas A. Oguss
Registration No. 48,469
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200